

REMARKS

Upon entry of the above amendments, claims 1-7 and 10 will be pending in this application. Claims 9, 11, 12, 13 and 14 have been cancelled.

The Office Action alleges that the claims 9-14 contain multiple inventions and should be subjected to restriction. Applicant respectfully disagrees and asserts that the inventions covered by these claims are species of the broader genus invention that is recited in claim 2. For example, claim 2 recites: A modified botulinum toxin comprising one or more secondary modification sites in addition to the ones that are already naturally present. Claims 9-14 recite the specific secondary modification sites or specific botulinum toxin types that are covered by claim 2. Thus, the inventions of claim 9-14 are species of the broader genus invention of claim 2. Further, Applicant submits that claims 1, 3, 4, 5, 6, 7, and 10 are also species inventions of the genus invention of claim 2.

Applicant wishes to thank Examiner Navarro for the telephonic discussion on February 2, 2004, relating to the Restriction Requirement. Examiner Navarro indicated that he will consider examining the broader genus claim if Applicant cancels the species claim directed to specific secondary modification sites and botulinum toxin types.

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PATENT

In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and an early Office Action to that effect is earnestly solicited.

Respectfully submitted,



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